

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:	Chapter 15
JUST ENERGY GROUP INC., <i>et al.</i>	Case No. 21-30823 (MI)
Debtors in a Foreign Proceeding. ¹	
JUST ENERGY TEXAS LP, FULCRUM RETAIL ENERGY LLC, HUDSON SERVICE LLC, and JUST ENERGY GROUP, INC.,	
Plaintiffs,	
v.	Adv. Proc. No. 21-04399 (MI)
ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC. and the PUBLIC UTILITY COMMISSION OF TEXAS, INC.,	
Defendants.	

**JOINDER OF NRG ENERGY, INC. AND CALPINE CORPORATION TO THE
MOTIONS TO DISMISS OF THE PUBLIC UTILITY COMMISSION OF TEXAS, INC.
AND THE ELECTRIC RELIABILITY COUNCIL OF TEXAS INC.**

[Relates to Adv. Dkt. Nos. 28 and 30]

NRG Energy, Inc. (“NRG”) and Calpine Corporation (“Calpine,” and together with NRG, on behalf of themselves and certain of their respective subsidiaries, the “Defendant Intervenors”), hereby file this joinder to (i) *Defendant the Public Utility Commission of Texas’s Motion to Dismiss Complaint, or Alternatively, for Abstention and Memorandum in Support Thereof* (the “PUCT Motion”) [Adv. Dkt. No. 28] and (ii) *Electric Reliability Council of Texas, Inc.’s Motion*

¹ The identifying four digits of Just Energy Group Inc.’s local Canada tax identification number are 0469. A complete list of debtor entities in these Chapter 15 cases may be obtained at www.omniagentsolutions.com/justenergy.

to Dismiss and for Abstention (the “ERCOT Motion,” and together with the PUCT Motion, the “Motions”) [Adv. Dkt. No. 30]. In support, the Defendant Intervenors respectfully state as follows:

1. On January 18, 2022, the Court entered an order allowing the Defendant Intervenors to intervene in this adversary proceeding as specified therein [Adv. Dkt. No. 58].
2. The Defendant Intervenors hereby join in support of the Motions and incorporate the arguments therein as if set forth fully here. The Defendant Intervenors reserve the right to supplement or amend this joinder, submit reply briefing, and to argue and otherwise be heard at the hearing on the Motions.
3. Without limiting the forgoing, the Defendant Intervenors attach here as **Exhibit 1** a copy of the *Petition for Direct Appeal Under 28 U.S.C. § 158(d)(2)*, now pending before the United States Court of Appeals for the Fifth Circuit, as Case No. 22-90004, to make this Court aware that the Fifth Circuit has been asked to review a ruling on many of the same legal issues and arguments presented by the Motions.

[-Signature Page Follows-]

Dated: January 24, 2022

SHEARMAN & STERLING LLP

By: /s/ Ian E. Roberts

Luckey McDowell (SBT 24034565)
Ian E. Roberts (SBT 24056217)
2828 N. Harwood Street, Suite 1800
Dallas, Texas 75201
Telephone: (214) 271-5777
Email: luckey.mcdowell@shearman.com
ian.roberts@shearman.com

-and-

Jonathan M. Dunworth (admitted *pro hac vice*)
599 Lexington Avenue
New York, NY 10022
Telephone: (212) 848-4000
Email: jonathan.dunworth@shearman.com

Counsel to NRG Energy, Inc.

Respectfully submitted,

BAKER BOTTS L.L.P.

By: /s/ George H. Fibbe

George H. Fibbe (SBT 24036559)
David R. Eastlake (SBT 24074365)
910 Louisiana Street
Houston, Texas 77002
Telephone: (713) 229-1234
Email: george.fibbe@bakerbotts.com
david.eastlake@bakerbotts.com

Counsel to Calpine Corporation

CERTIFICATE OF SERVICE

I certify that on January 24, 2022, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Alexander Babcock

Alexander Babcock